FILED
JAN 15 1968
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

October Term, 1967
No. 931

CARL W. VROOMAN, TRUSTEE IN BANKRUPTCY,
Petitioner,

vs.

ROBERT LEONARD,
Respondent.

BRIEF OF RESPONDENT.

ROBERT LEONARD,
420 Avondale Avenue,
Monterey Park, Calif. 92220,
Respondent in Propria Persona.

Parker & Son, Inc., Law Printers, Los Angeles. Phone MA. 6-9171.

IN THE

Supreme Court of the United States

October Term, 1967
No. 931

CARL W. VROOMAN, TRUSTEE IN BANKRUPTCY,
Petitioner,

vs.

ROBERT LEONARD,
Respondent.

BRIEF OF RESPONDENT.

Statement of Subsequent Occurrences.

On November 17, 1967, after expiration of petitioner's time to file petition for review in the Circuit Court, there was rendered and entered in the state court action judgment against petitioner in his individual capacity and his bonding company, defendants in that action, and by default pursuant to request to enter default of these defendants filed after expiration of time to answer when no restraining order had been received by respondent.

While there is no way to bring up the state court record in opposing the petition, there is available to the Court in the Clerk's office a letter from petitioner's attorney to the Clerk admitting subsequent rendering and entering of this state court judgment.

Petitioner failed to file a supersedeas bond to protect respondent from damage that would be sustained in being further restrained from prosecuting state court action on petitioner's personal liability under his bonds.

ARGUMENT.

Questions Raised in Petition Have Been Made Moot by State Court Judgment.

As the state court action has proceeded to judgment, there is nothing to restrain, and decision, whatever it is, on the petition can not disturb the state court judgment, which was rendered by the state court when the restraining order did not purport to restrain it, and is supported by opinion of Circuit Court that the Referee was without jurisdiction to make this order, thus making it void, and hence it was never in effect, thus permitting respondent, if need be, to disregard it with impunity to recover in state court action.

Respectfully submitted,

ROBERT LEONARD,
Respondent in Propria Persona.